

James R. Condo (#005867)  
SNELL & WILMER L.L.P.  
One Arizona Center  
400 E. Van Buren  
Phoenix, AZ 85004-2204  
Telephone: (602) 382-6000  
JCondo@swlaw.com

Richard B. North, Jr. (admitted *pro hac vice*)  
Georgia Bar No. 545599  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
Atlantic Station  
201 17th Street, NW, Suite 1700  
Atlanta, GA 30363  
Telephone: (404) 322-6000  
Richard.North@nelsonmullins.com

*Attorneys for Defendant  
C. R. Bard, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
Litigation

MDL NO. 15-02641-PHX-DGC

**DEFENDANT C. R. BARD, INC.'S  
ANSWER AND GENERAL DENIAL IN  
RESPONSE TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT IN CASE  
NO. CV-16-04273-PHX-DGC; JURY  
TRIAL DEMAND**

Defendant C. R. Bard, Inc. ("Bard" or "Defendant") hereby files this Answer and General Denial in response to the First Amended Complaint served on Defendant in *Julius Heflin v. C. R. Bard, Inc.*, AZ Member Case No. CV-16-04273-PHX-DGC ("Answer and General Denial"). Defendant further reserves the right to file any motion to dismiss for failure to state a claim with respect to this case, as set forth in Amended Case Management Order No. 4.

1 With respect to the allegations plaintiff(s) raise in *Julius Heflin v. C. R. Bard, Inc.*, AZ  
 2 Member Case No. CV-16-04273-PHX-DGC, Defendant denies, generally and specifically,  
 3 each and every allegation in plaintiff(s)' Complaint, the whole thereof, and each and every  
 4 cause of action therein. Defendant further denies that the plaintiff(s) has sustained, or is  
 5 entitled to recover, damages in any amount alleged or in any sum whatsoever. Defendant  
 6 further denies that it is liable to the plaintiff in any amount, and further denies that the  
 7 plaintiff has sustained injury, damage, or loss by reason of any act or omission by Defendant.

8 As for additional defenses, and without assuming any burden of pleading or proof that  
 9 would otherwise rest on plaintiff(s), Defendant incorporates by reference the responses and  
 10 Affirmative Defenses set forth in Defendants' Answer to Plaintiffs' Master Complaint filed in  
 11 MDL 2641 on December 17, 2015 (Doc. 366). Defendant further reserves the right to raise  
 12 such other affirmative defenses as may be available or apparent during discovery or as may  
 13 be raised or asserted by other defendants in this case. Defendant has not knowingly or  
 14 intentionally waived any applicable affirmative defense. If it appears that any affirmative  
 15 defense is or may be applicable after Defendant has had the opportunity to conduct  
 16 reasonable discovery in this matter, Defendant will assert such affirmative defense in  
 17 accordance with the Federal Rules of Civil Procedure.

#### 18 **REQUEST FOR JURY TRIAL**

19 Defendant C. R. Bard, Inc. demands a trial by jury on all issues appropriate for jury  
 20 determination.

21 **WHEREFORE**, Defendant avers that the plaintiff(s) is/are not entitled to the relief  
 22 demanded in the plaintiff(s)' Complaint, and this Defendant, having fully answered, prays  
 23 that this action against it be dismissed and that it be awarded its costs in defending this action  
 24 and that it be granted such other and further relief as the Court deems just and appropriate.

25 //

26 //

27 //

1 This 15th day of January, 2019.

2 s/Richard B. North, Jr.  
3 Richard B. North, Jr.  
4 Georgia Bar No. 545599  
5 NELSON MULLINS RILEY & SCARBOROUGH, LLP  
6 Atlantic Station  
7 201 17th Street, NW / Suite 1700  
8 Atlanta, GA 30363  
9 PH: (404) 322-6000  
10 FX: (404) 322-6050  
11 Richard.North@nelsonmullins.com

12 James R. Condo (#005867)  
13 SNELL & WILMER L.L.P.  
14 One Arizona Center  
15 400 E. Van Buren  
16 Phoenix, AZ 85004-2204  
17 PH: (602) 382-6000  
18 JCondo@swlaw.com

19 **Attorneys for Defendant C. R. Bard, Inc.**  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 15, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.  
Richard B. North, Jr.  
Georgia Bar No. 545599  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
Atlantic Station  
201 17th Street, NW / Suite 1700  
Atlanta, GA 30363  
PH: (404) 322-6000  
FX: (404) 322-6050  
Richard.North@nelsonmullins.com

**Attorney for Defendant C. R. Bard, Inc.**